



To: Craig Puljan, Ash Grove Cement Co.

July 27, 2007

From: Matthew Boyle, Grette Associates^{LLC}

File No:337.001

Re: 2007 up to 600 CY Maintenance Dredging

Ash Grove Cement Company (Ash Grove) has a U.S. Army Corps of Engineers (Corps) permit for maintenance dredging at its Seattle, Washington facility on the Duwamish Waterway. This permit authorizes up to 600 CY of maintenance dredging in odd-numbered years from 2003 through 2013. Ash Grove proposes to complete maintenance dredging during the approved in-water work period this year (2007).

Upon review of the existing Ash Grove permits for maintenance dredging at this site, Grette Associates LLC (Grette) has determined that the following requirements exist:

Corps Permit (2001-1-0015):

Corps permit *Special Condition a* requires that prior to each maintenance dredging event Ash Grove submit a Biological Evaluation (BE) to the Corps, and that they receive written confirmation from the Corps that the BE has gone through consultation with the Federal Services prior to initiation of dredging. It is assumed that an Essential Fish Habitat (EFH) Assessment also would be required, as is typically the case.

Grette recommends proposing to the Corps that a letter addendum to the most recent BE, along with that document (dated 2005, prepared by Anchor Environmental), be submitted in lieu of a new BE. The addendum would address changes in Endangered Species Act (ESA) listings (new and finalized listings, delisting of bald eagle) that have occurred since 2005. If this is not an acceptable approach, a complete BE would be prepared. It must be understood by Ash Grove that ESA consultation is the most lengthy step in Corps permitting at this time. Therefore it is advantageous if an Addendum to a previously approved BE is acceptable.

During the 2005 Corps permitting process, additional coordination was requested by the Corps between Ash Grove and the Dredged Material Management Office. It is assumed that any such coordination required during this process would be limited to brief communications between Ash Grove and the DMMO. The dredge material is all aggregate, which is the basis for the assumption.

Seattle Shoreline Exemption and SEPA review

City of Seattle may approve a Shoreline Exemption for the maintenance dredging, but will require SEPA review and other related land use permitting (e.g., grading). It appears that



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previously the City has accepted a JARPA and SEPA checklist (multiple copies of each) in addition to the standard correspondence and addressing and pre-application forms, and that Ash Grove has taken responsibility for all direct communication with the City. Grette recommends close coordination with the City's Industrial Permit Liaison, both on the part of Grette and Ash Grove.

WDFW HPA (103568-1)

The maintenance dredging HPA dated January 21, 2006 is good through January 30, 2011. It is therefore implied that repeated dredging is included in this HPA (as scheduled through 2009) however it is not explicitly stated. Grette will contact the Area Habitat Biologist to confirm this, and if that is not the case, recommend an amendment to the HPA, which is conducted with a brief memorandum to State files. It is anticipated that letter correspondence (regular mail or e-mail) would suffice to meet this requirement. If a new HPA is required, the only new document necessary would be the JARPA which is already slated for completion for submission to the City of Seattle.

This Scope of Work describes the tasks and estimates efforts associated with meeting the requirements for the above permits for 2007 maintenance dredging at Ash Grove. It does not include support for any unanticipated permitting efforts for this project (e.g., Ecology). Only activities that are completed by or managed through Grette Associates are included in this Scope of Work.

Task 100: Corps BE and Permit Assistance

Grette will coordinate with the Corps and determine whether an addendum to the 2005 BE will suffice to meet *Special Condition a*. If this is determined to be acceptable, Grette will prepare a letter addendum, attach to the original BE and EFH Assessment and submit to the Corps. If this is not acceptable, Grette will use the information from the 2005 BE to prepare and submit a new BE and EFH Assessment, using the standard format for this firm, based upon the analysis presented in the documents which have previously received concurrence. The estimate below includes enough time for the full BE, including one round of review and comment by the client, and pre- and post-submission coordination with the Corps project manager and any necessary communication with the Services or other parties. It is anticipated that, if a letter addendum is acceptable, the effort under this task will be significantly less than what is scoped. It is assumed Ash Grove will provide figures appropriate for submission with the BE (typically those used for the JARPA).

Task 200: Seattle Shoreline Exemption and SEPA Review

Grette will coordinate with the City's Industrial Permit Liaison to determine the most efficient approach to receiving appropriate land use approvals. Grette will prepare and submit a letter requesting a shoreline exemption, and SEPA and JARPA pursuant to SEPA and other necessary land use review. Grette also will coordinate with Ash Grove to ensure the appropriate pre-application forms, including the pre-application site visit request, have been prepared and submitted. It is assumed that Ash Grove will arrange to pay for all permit fees. This task includes time for two trips to the City offices to review and submit permit information. The

effort under this task includes time to work with the City to try to get the existing mitigation action to apply to this (and further) maintenance dredge, but does not include any additional mitigation planning required by the City.

Task 300: WDFW HPA

Grette will coordinate with WDFW to ensure that the existing HPA applies to the proposed 2007 maintenance dredging and, if necessary, will work with the Area Habitat Biologist to acquire a revised HPA.

An estimated budget for this project is as follows:

<u>Staff</u>	<u>Rate</u>	<u>Units</u>	<u>Total</u>
Staff Biologist	\$ 92.00	76	\$6,992.00
Principal Biologist	\$140.00	8	\$1,120.00
Project Administrator	\$ 64.00	3	\$192.00
Administrative Assistant	\$ 46.00	6	\$276.00
Estimated Staff Total:			\$8,580.00

<u>Expense</u>	<u>Rate</u>	<u>Units</u>	<u>Total</u>
Mileage	\$ 0.50	160	\$80.00

Estimated Project Total: \$8,660.00

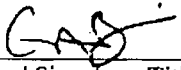
☒ TIME AND EXPENSE
☐ FIXED FEE

Estimated Amount: **\$8,660.00**

Fee Amount:

CLIENT AUTHORIZATION:

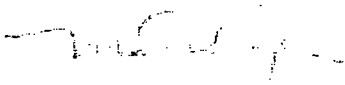
The undersigned authorizes the above requested services and agrees to pay for these services within 30 days of receiving the invoice. In consideration of Consultant's agreement to perform the services set forth above, Client and Consultant agree to limit the liability of Consultant to Client, and to all other persons or entities, arising from professional acts, errors, or omissions of Consultant, and for liability arising out of or relating to this contract, such that the total aggregate liability of Consultant, including attorneys fees awarded pursuant to this Agreement, that all those named shall not exceed \$50,000 or the total fee of Consultant for the services rendered under this agreement, whichever is greater.



Authorized Signature, Title
Ash Grove Cement

8/6/07

Date



Matthew Boyle, Principal
Grette Associates, LLC

August 3, 2007

Date